

The Daily Gazetteer.

SATURDAY, JANUARY 3. 1736.

No. 162.

A Demonstration, that the Rights of Nature, and the Rights of Society are One.



IS no wonder, that Men, who in all Ages, and in almost all Countries, have been bred up under *Tyrannies* or *Arbitrary Governments*, and who have learn'd to look upon their Power as *Sacred* and *Divine*, should be debauched as much in their *Religion* and *Morals*, as they are in their *Politics*: *Publick Good*, according to their Apprehension, is as little the *Measure* or *Rule* of *Government* in the *Universe* as in the *State*: They have scarce a *Notion* of what is *Good* or *Just*, other than as *more Will* and *Power* have determined: *Omnipotence*, they think, would hardly be itself, was it not at *Liberty* to *dislike* the *Laws* of *Equity*, and *change*, at *Pleasure*, the *Standard* of *Moral Rectitude*.

THAT Slaves to *Tyrants* should think thus, and have no *Notion* of *Natural Rights*, is, therefore, not to be admired at; but, that, in a *Country* of *Liberty*, the *old Slavish Doctrine* should be advanced of the *Necessity of surrendering Natural Rights*, in order to form a *good Government*, is very surprizing: We will then go through the Argument we are upon, and carry this Proposition to a Demonstration, *That the Rights of Nature, and the Rights of Society are one*; or, that *Governments* can have no Rights, but what *Men* had before they entered into *Society*, or erected *Governments*: And the Reason is this; that the *Nature* of *Man* is the same, and the *Relation* he stands in to other *Men*, is the same *out of Governments*, as *under Governments*; the same, in a *State of Nature*, as in a *State of Power*, or a *State of Law*. The same among the *Savages* (as we the greater *Savages* call them) as among the *Europeans*; and, consequently, their *Rights* arising *absolutely* from that *Nature* and that *Relation*, must be the same.

THIS is evident to every *Man* of common *Sense*; but let us put the Argument in another Light; for we can't set it in too many.

Men, by *Nature*, are *Equal* and *Independent*, and, therefore, can have no Right over one another, either in their *Lives*, *Liberties* or *Properties*, till some of them have *forfeited* their own Rights, by *invading* those of others: Then, indeed, every *Man* has a Right to *resist* and *punish* the *Invader*; and 'tis exactly the same under all *just* and *equal Governments*; there is not one of their Rights taken away; for *Governments* were not instituted to destroy this *natural Equality* and *Independency*, but to *preserve* them; nor, to deprive us of our Right of *Self-Defence* and *punishing* the *Offender*, but, as our *Subjects*, more effectually to do them for us: In all *Cases*, where the *Government* can't *interpose*, we may *Defend* ourselves, *Resist*, and *Punish*; and, where the *Government* can *interpose*, it ought to *save* us the *Expences* and *Hazard*; because, 'tis *instituted*, *erected*, and *maintained* for that *Purpose* only, the *stronger Defence* and more *effectual Security*, of all our *natural Rights*.

In this, and in this alone, a *State of Nature*, and a *State of Government* differ, that the latter, being one *unjust Power*, armed and maintained for *Defence*, can more effectually *secure* our *Persons* and *Properties*, than *Individuals* are able to do, before they are thus united and become as one *Man*: The *Difference* is, in the *better Security* of our *Rights*, not in the *Rights themselves*: Whatever *Liberty* a *Man* had a *Right* to before he entered into *Government*, he must have the same afterwards; (because *Power* can't alter the *Nature* of *Rights*, only *enforce* them) and whatever *Restraints* are necessary or reasonable to be laid on *Men* by *Governments*, were full as necessary and reasonable in the *State of Nature*; for, the *State of Nature* is *limited* by the *Law* of *Nature*, or the *Law* of *Reason*; and exactly as much limited as it ought to be in *Governments*: Here lies the grand *Point*. *Man*, I say, is exactly as much limited by the *Law of Nature*, as he ought to be by *Governments*; so that, when Sir *William Temple* says, *Governments* is a *Restraint upon Liberty*; he could intend it in no

other *Sense*, than as the *Law of Nature* is a *Restraint upon Liberty*; that is, all *unjust Liberty*, or *Licentiousness*; for we are so much limited by the *Law of Nature*, as to have no Right to *such a Use* of our own *Persons*, *Properties* or *Understandings*, as is *Inconsistent* with the *Use* others have a Right to make of theirs; and, certainly, every *Subject* to *Government* ought to have *such a Right* in himself and his *Possessions*, as is *consistent* with the *Rights* of all the other *Subjects*. This is evident.

BUT to proceed: *Men*, in a *State of Nature*, have such a Right in their *Persons* and *Properties*, that nobody can justly make use of them without their own *Consents*; and 'tis the same in all good *Governments*: For they have no Right to the *Use* of any *Man's Person* or *Property*, or to any *Share* of it, without his own *Consent*; that is, the *Consent* of the *People* in *Parliaments*. In the *Case* of *Invasions* indeed, or any just *Apprehension* of a *powerful Enemy*, the *Government* has a Right to *extraordinary Assistance*, and ought to have it: But it would be the same in a *State of Nature*; for suppose 10,000 *Men* living together in an *Island* under the *Law of Nature*, without one *common Power*; yet, if they had *Reason* to believe, that a *strong* and *powerful Prince* intended to invade them, and overturn their *Liberties*, the *Majority* had a Right to the *Service* of the *Persons* and *Properties* of the *Minority*; that is, *Reason* bids them all *fight*, and *hazard* their *Persons* and *Properties* to defend their *Liberties*, without which *Life* is hardly worth a *wife* *Man's keeping*; so that *Governments* have no Right to any *Man's Person* or *Possessions*, or to any *Use* of the one, or *Share* of the other, but what *Men*, living together without *Government*, would have a Right to in the *same Cases*, and under the *same Circumstances*: This is also evident. Let us next consider, whether there is any *Difference* relating to *Men's Right* to the *Use* of their *rational Faculties* in a *State of Nature* and *under Government*; and I say, none at all: For, in a *State of Nature*, no *Man* has any Right to *such an Use* of his *Understanding*, as is *inconsistent* with another *Man's Right* to the *Use* of his *Understanding*; that is, he may publish any *Opinions* of his own, but not hinder another from publishing any *Opinions* of his own. He has no Right to *prescribe*, or *give Law* to any other *Man*; and 'tis the same in *Governments*: They have no Right to *establish exclusive Opinions*; by which is meant, they have no Right to *establish* any *Opinions exclusive* of the Right which other *Men* have to *publish* their's, tho' they happen to be against the *general Opinions*, or, the *general Establishment*: Nor have *Governments*, indeed, any Right to *establish Opinions by Law*, with *Penalties annexed*, nor to *prohibit Opinions by Law*, with *Penalties annexed*, unless those *Opinions* naturally relate to the *Well-being* of the *Society* or *Government*; as in the *Case* of the *Roman Catholics*. All the Right they can have, is to *declare* and *recommend* their own *Opinions*, but nothing further; and the same Right every *individual Man* has in a *State of Nature*, and ought to have under every *Government*. The *Sum* of all is, there is not one *Liberty* which a *Man* hath a Right to in a *State of Nature*, but he ought to have a Right to *by Law*; nor ought there to be one *Restraint* laid upon a *Man* by *Law*, but what is laid upon him by the *Law of Nature*, or *Reason* of *Things*. And this must be necessarily true, unless it can be shewn, that there are *Rights of Nature* *inconsistent* with the *Rights of Society*; then, indeed, there ought to be a *Surrender of natural Rights*: But this is impossible, unless 'tis possible, that *Rights* arising from *Reason* can be *inconsistent* with one another; for *Governments* have no *Rights* but what arise from *Reason*; nor have *Men*, by *Nature*, any *Rights* but what arise from *Reason*; *Reason* is the same: *Men* are the same; and *Governments* ought to be the same; that is, they ought to *recognize*, *establish* and *preserve* all the *Rights* which *Men* are in *Possession* of by the *eternal unchangeable Law of Reason*; because, I say, these *Rights* cannot be *inconsistent* one with another.

'Tis affirmed indeed by the *Author* of the *Occasional Paper*, 'That, to suppose the *Preservation* of what are called *natural Rights*, the *Rule* of proceeding for the *Good of the Community*, is *confounding* a *State of Nature* with the *Circumstances* of a *Society*, and *disolving* the *Bands* by which the *Body Politick* is held together.'

'ther.' Here this *Author*, to serve a very bad *Purpose* against *Dissenters* from his *Opinions*, insinuates, that there are *Rights of Nature inconsistent* with the *Rights of a Society*. But let him assign one *Instance*, and I will undertake to shew, that the *Instance* he assigns is not a *Right of Nature*, or, that 'tis not a *Right of Government*. If he means, as I apprehend he does, that *Men* have a *Right* to *Opinions* in the *State of Nature*, or by the *Law of Nature*, which they have not a *Right* to in a *Society*, because of the *different Circumstances* of a *Society*, whenever he specifies those *Opinions*, or those *Circumstances*, I will shew, that if *Men* have a *natural Right* to publish them, they ought to have a *legal Right* to publish them; and that, if a *Government* is under such *Circumstances* as to render those *natural Rights inconsistent* with the *Rights* of any *Part* of the *Subjects*; then the *Government* is so far in *bad Circumstances*; and that, if the *Bands* of *Society* are dissolved by the *Allowance* of *natural Rights*; that then the *Society* is held together by very *wicked Bands*, and that those *Bands* ought to be *dissolved*: For the *Truth* is this, that every *Government* is more or less perfect, as it takes in, and secures more or less of our *natural Rights*. But that *Government* alone is perfect, which takes in, and secures all of them; consequently, there are no *natural Rights inconsistent* with any *good Circumstances* of a *Government*, nor with any *just and reasonable Bands* of a *Society*; for there are no *just Bands* of a *Society* but the mutual *Acknowledgement*, and *sacred Observation* of one another's *Rights* and *Properties*; nor any other *End* of *Government* but the *more effectual Security* of them: Nor (as Mr. *Locke* says, p. 174. of his *Treatise on Government*) 'are the *Municipal Laws* of a *Country* any *further right*, than as they are founded on the *Law of Nature*, by which they are to be *regulated* and *interpreted*'.

F. OSBORNE.

The Passage relating to Dr. Waterland and Dr. Clarke in the first Column of our Paper of last Saturday, should run thus:

This Dr. Waterland knew, when, in order to demolish Dr. Clarke's self-evident Proposition, that whatever is necessary to Salvation, must be plain, threw *Darkness over every thing*, and affirmed, that nothing was plain; no, not the Evidence of natural Religion, or moral Good and Evil, nor the Evidences for the Existence and Unity of God.

And instead of Rights, Col. 1. l. 29. read Lights.

And in Col. 2. l. 25. read as follows: Whereas a *State of Nature*, or, a *State according to Nature*, is a *State according to the Rules of eternal Wisdom and unvarying Reason*; a *State of just Liberty*, not a *State of wild Licentiousness*: So that Sir *William Temple*, who is lugged in for saying, *Government is a Restraint upon Liberty*, meant only, a *Restraint upon Licentiousness*; for he could not mean, that *Government* was a *Restraint upon the Law of Nature and Reason*, &c.

Speedily will be published in this Paper, The murdering Spirit of the *Jacobe* Party, exemplified in a Series of ASSASSINATIONS, Assassination Plots, and Attempts exciting the People to become Assassins, carried on under the Protection of the STUART FAMILY for near an Hundred Years past.

LONDON.

Yesterday a Dutch Mail brought these Advices.

Letters from Petersburg say, the *Czarina* has receiv'd an *Express*, with Letters from the *King* and *Primate of Poland*, thanking her for the *Generosity* and *Disinterestedness* with which she has supported the *Liberties* of that *Republick*, by sending her *Troops* into the *Kingdom*. — The *Recruits* order'd throughout the *Russian Empire*, being now all compleated, a *Computation* has been made, that the *Number* of new-raised *Men* there for the *Year past* only, is not less than 50,000; by which one may partly judge of the *Extent* and *Populousness* of that *great Empire*. They add the *Advice*, that *Kouli Kan* has made himself *Master* of *Eriwan*, and thereby re-united all the *Places* the *Turks* had conquer'd, to the *Kingdom of Persia*.

From



From Stockholm, that the Dutch Envoy, M. Rumpf, is mighty impotunate with his Swedish Majesty to take off the new Duties upon Goods imported into that Kingdom in Dutch Bottoms, and that to his Representations he adds Menaces, that otherwise the States General will be forced to use Reprisals, by laying new Duties on Goods imported into their Country from Sweden.

The Letters from thence add, that the Baron de Sparre, the Swedish Minister at the Court of Great Britain, is nominated to attend the Congress, if there be one, in Quality of Ambassador of Sweden, and that for this Purpose the Swedish Court has augmented his Salary, and made him a handsome Remittance to enable him to increase his Retinue.

They write from Dantzick, that the Court of King Stanislaus was to make a Figure upon Christmas Day in the Livery of France, and that the Primate of Poland is dangerously ill. 'Tis confirm'd, that the King of Poland intends to continue at Warsaw till the next General Dyst; the rather, because the Queen is too far gone with Child to remove to Saxony.

From Vienna we are told, that the Emperor insists strenuously upon the speedy Restoration of the Duke of Modena to his Dominions. That Duke's Attachment to the House of Austria has determin'd his Imperial Majesty to be his Friend at the Expence of his own Dominions: And indeed how could he do less, when that Duke declared, in Presence of several Persons, at his being obliged to abandon his Residence, *That he was sorry he had not more to lose for the Emperor's Service?* The Letters add, that the approaching Marriage of the Duke of Lorain to the Archduchess, engrosses so much of the Publick Attention, that they scarce mind the Negotiations of M. l'Eftang, which, indeed, we are assur'd, are almost at a Stand, partly because the Court waits for the final Resolution of Spain, and partly because of the Necessity of consulting the Czarina and the King of Poland, as to the Manner and Form of King Stanislaus's Abdication.

It seems they have a Report at Vienna, that there has been a Minister at that Court from the King of Sardinia for a Fortnight past, with the necessary Powers for concluding an Accommodation with his Imperial Majesty; but that the Abbe Piombelli, who is there on the like Errand from the Court of Spain, is not like to succeed, because his Instructions and Powers are too much bounded.

Letters from Switzerland say, that the Disturbances in the County of Tockemburg, are broke out with more Fury than ever; and that the Mutineers have barbarously murdered two Persons of the greatest Distinction in that Country, viz. Captain Keller, formerly a Senator, and the Sieur Nicholas Riedlinger, not only a Senator, but High Bailiff and Stadholder of Lichtensteig; the former a Papist, and the latter a Protestant.

According to Advices from Spain, his Catholic Majesty is inclinable to an Accommodation, on Condition, that some Alteration be made in what has been stipulated with regard to Italy. The King has sent a Letter to the Duke de Montemar in Tuscany, to inform him that he approves of his Conduct; and that he shall soon know his Intentions more at large. They write from Madrid, that they don't remember any Juncture of Time when they had such a Crowd of Courtiers, one upon the Heels of another, as have arrived within this Month past. Those that mention the Celebration of the King's Birth-day on the 19th ult. N. S. say, that of all the foreign Ministers that went to compliment his Majesty upon that Occasion, none came up to the Splendor of the Duke de Sora-Buoncompagno, Ambassador from the King Don Carlos, who appeared in a rich Suit of Cloaths made at Paris, which cost him 12,000 Livres, and came in a Coach that was the finest that could be of the Kind. He had other stately Coaches for his Gentlemen and Domesticks, and his Pages, &c. to the Number of Fourscore, were all clad in rich Liveries; so that no Equipage was ever seen more magnificent, or any Retinue more splendid.

They write from Italy, that the Marshal de Noailles, who is preparing to set out from Tuscany for Rome, seeing the Duke of Modena at Bologna, told him on the Part of the most Christian King, *that he might return to his Dutch whenever he pleased, Orders having been sent to the French Cavalry to retire from thence.*

They write from Bavaria, that by the late Mortality among the Black Cattle in that Electorate, above 50,000 Beasts have died, which has reduced a great many Peasants to the utmost Distress; but by the Invention and Application of proper Remedies, the Distemper begins to abate.

From Berlin, that, on the 3d Instant, N. S. the Man and the Woman that committed the barbarous Murder lately mentioned, on their Brother-in-Law, his Wife, and a Daughter of 11 Years old, had first their Flesh

torn to Piecs by red hot Pinchers, and were then broke alive upon the Wheel.

By Letters from the Hague it appears, that notwithstanding the Assurances given to the Dutch Consuls at Messina, and all the Ports of the Spanish Monarchy, by Order of the Queen of Spain, of the extraordinary Regard that shall be shewn upon all Occasions to the Persons of their Subjects, and to their Trade and Navigation; and that tho' the Marquis de St. Gilles, the Spanish Ambassador at the Hague, says, this is but an Earnest of what they may further expect from the Friendship of his Catholick Majesty; yet their High Mightinesses have lately declared, That, as they have had no Share in the War, nor in the Measures taken for putting an End to it, they are resolved not to concern themselves in it for the future. Mean time the Spaniards in Holland don't stick to stay, that they shall find Ways and Means to rouze the Dutch out of their Non-chalance; and that, for this End, they think they need do no more than publish the Treaty concluded between France and Spain, at the Beginning of the War, which has been hitherto kept as a great Secret. They add, that the Imperial and French Ministers have made several grand Entertainments for each other during the Hollidays; and that tho' the Spanish Ambassador appeared at neither, the Sardinian Minister, the Count de Canale, was a Guest at all of them, and puts on as easy and gay an Aspect, as if the King his Master was rather a Mediator than one of the Principals in the War; by which, it seems, he has gained a general Esteem. As to the Augmentation that was said to be intended of the Dutch Forces by Sea and Land, 'tis now said, there will be a considerable Reduction in both, were it only to convince the World, that the States General are recovered out of that Pannick which they were under, upon the first News of the Negotiation at Vienna.

Sunday last died at Amsterdam, M. le Clerc, Professor of Philosophy and History, well known for the Number of excellent Tracts which he has published to the World. He was about 79 Years of Age, being born the 1st of March 1657, and has left Bibliotheques enough of his own compiling, to furnish out a good Library.

Yesterday Morning died at his House in Devonshire-square, Sir Richard Hopkins, Knt. Alderman of Lime-street Ward, Sub-Governor of the South Sea Company, and Governor of the London Assurance.

The Right Hon. the Lord Mayor will hold a Ward-mots on Monday, for the Choice of an Alderman in his room. The Candidates are Mr. Pomeroy, Deputy of that Ward; and Robert Willimote, Esq; one of the Representatives in Parliament for this City.

Yesterday Morning died at his House at Whitehall, Mr. Jenkins, Steward to the Right Hon. Sir Robert Walpole.

The same Day Jacob Wright of Wandsworth, Esq; was maried to Miss Powes, Daughter of — Powes of Higham Ferrers in the County of Northampton, Esq; a beautiful young Lady, with a Fortune of 12,000 l.

And the same Day the Duke and Dutches of Bridgewater arrived in Town, from their Seat in the County of Bucks.

As did also the Duke and Dutches of Cleveland, from Bath.

The Oratory Subjects on Sunday Morning next, will be the Christianity of Abraham, the Youth of the Ages, the Year a Phoenix, the Glory of the future Age, the Fifth universal Empire, the History and Rise of New Year's Gifts, and the moral Use of the Circumcision: Then a Question for Conference, on an Argument held last Sunday on Christ's being unmarried; or, Arguments for the Codex, or upon Mr. Locke.

— In the Evening, an Oration concerning MERLIN, &c. Publick Disputation, by two Gentlemen, "Whether the plain Account of the Sacrament be right in 'making it only a Memorial?'" — The Adversaries to the plain Account, are invited to this Dispute; particularly the Author of a Letter to a Lord; any Gentleman may pronounce his Oration, or Thesis, deliver his Sentiments, or command a Subject for an Oration or Disputation.

Yesterday Bank Stock was 147. India 169 1-4th. South Sea 94. Old Annuity 110 to 1-8th. New ditto, nothing done. Three per Cent. 190. Emperor's Loan 110. Royal-Assurance 162. London-Assurance 13 1-8th. York Buildings 2. African 15. India Bonds 51. 12 s. to 14 s. Prem. Three per Cent. ditto 31. 13 s. Premium. South Sea Bonds 41. 11 s. to 12 s. Prem. New Bank Circulation 51. 7 s. 6 d. Prem. Salt Tallies 3 1-half to 4 Prem. English Copper 21. 1 s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 3 per Cent. Premium. Million Bank 110.

Excise-Office, London, Dec. 29, 1735.

By Order of the Honourable Commissioners of Excise, on Thursday the 8th of January will be exposed to Sale in their Court Room in the Old Jury, at 3 o'Clock in the Afternoon, several Parcels of condemn'd Boba and Green Tea, Coffee, Chocolate, Brandy, Rum, Geneva, and Cordial Waters; which may be viewed Monday and Wednesday the 5th and 7th of January, at the Excise Office, and at the Warehouses near the Custom-House, from 9 to 12 in the Morning, and from 2 to 5 in the Afternoon, and on the Day of Sale from 9 to 12 in the Forenoon. Printed Allotments of the Particulars will be delivered at the said Office on Monday the 5th of January.

THE Gentlemen who were Educated at Mr. Fletcher's School at Ware, have appointed their Annual Meeting to be at the Hoop and Griffin Tavern in Leadenhall-street, precisely at Six in the Evening, on Thursday next the 8th of January.

N. B. Tickets at Half a Crown each, may be had at Mr. Cruden's, the Queen's Bookseller, under the Royal Exchange, or at the Bar.

Shortly will be Published,
SOME Considerations on the State of
the Nation.



At a Cellar under my House (late the Ribbon Cellar) and in a Cellar adjoining, are To be SOLD, LONDON PUNCH HOUSE, LUDGATE-HILL.

To be SOLD, A fine old Jamaica Rum, and Coniac Brandy, as has been landed at the Port of London for many Years, WARRANTED entire neat, at 7 s. 6 d. per Gallon, delivered at the Cellar Door; but in no less Quantities than 5 Gallons, all unde: at 8 s. per Gallon.

As also a Parcel of superfine old Battavia Arrack, and per Gallon.

Bay and Sell for ready Money only. PUNCH made of the said most excellent Brandy, Rum, and Arrack, to the greatest Perfection, by J. ASHLEY.

Dr. ROBERT EATON's BALSAMICK STYPTICK.

Truly prepared and sold at the Doctor's late Dwelling House, now Mr. DUTTON's in Salisbury Court, Fleet-street.

THIS Medicine restrains in a most surprizing Manner, all internal as well as external Hemorrhages, i. e. it intallibly and quickly stops all dangerous Bleeding at the Nose or Gums, spitting or vomiting Blood; also the immoderate Flux of the Hemorrhoids or Menses, bloody Urine or Stools, bleeding of large Wounds, &c. (as used according to the plain Directions given with it) as will appear by the Certificates of several Eminent Physicians, and in the large Account of this Medicine, written by the Doctor himself, and dedicated to the College of Physicians a little before his Death.

It keeps good for many Years at Sea, or on Shore, or Home or Abroad, i. e. in all Climates, therefore universally Useful.

The Doctor not only obtained his Majesty's Letter Patent for the sole Vending of this most Excellent Medicine; but also a Clause in a late Act of Parliament, exempting this Medicine from the Inspection of the Censors of the College of Physicians, to which all other Medicines are liable.

N. B. Some of the Apothecaries prepare a Scyptick from a Prescription of Helvetius, and use it in the Room of Dr. EATON's; but whoever tries both, will soon be perswaded that Our's exceeds their's in all Respects, in a most eminent Degree.

Sold, by Licence, at Garraway's Old Shop, Practical Scheme, at the Royal Exchange; Mr. R. Bradshaw's Warehouse behind the Royal Exchange; Mr. John Potter, Chymist, in Barnew Close; Mr. William Evans, Bookseller in Bristol; Mr. Hammond, Jun. Bookseller at York; Mr. Roe, Bookseller in Derby; Mr. Raiks, Printer in Gloucester; Mr. Dyer, Printer in Northampton; Mr. Thomas Greenhill, Printer, in Bath; Mr. Abree, Printer, at Canterbury; Mr. Howes, an Apothecary at Kidderminster; Mrs. Trobridge, a Shop-keeper in Exeter; Mr. Hallifax, an Apothecary at Blackley; Mrs. Unett, a Bookseller, at Woburn; Mr. Bryan, a Printer, at Worcester.